Public Works (1907) Department.

G.O., No. 495-I

DATED 15-11-1907.

16. 11. 07

125 copies of G.O.
7
40 copies of rider
30 copies to be stitched with the G.O.

The Notes in this G.O. have been printed.

[Despatch Abstract.]

Supply of Periyar water ~~for domestic purposes~~ to certain tanks in the Melur taluk, Madura Dt., for domestic purposes Drinking, with remarks, that no charge be levied for the ———.

[P. W. 26. 2,000—6-7-06.]

Indexed.

15/11

IRRIGATION.

Government of Madras.

PUBLIC WORKS DEPARTMENT.

Recd.	1907.	*Enclosures*
Regd.		*Spare copies*

G.O., No. 495 I., 15th November 1907.

Supply of Periyar water to certain tanks in the Melur taluk, Madura district, for domestic purposes

Directing, with remarks, that no charge be levied for the —.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following paper :—

Letter—from C. W. Wood, Esq., Superintending Engineer, VI Circle.
To—the Chief Engineer for Irrigation.
Dated—Trichinopoly, the 14th September 1907.
No.—506/C.E.

Since the opening of the Periyár Project the inhabitants of the villages adjoining the Periyár channels have been obtaining the water required by them for domestic purposes either direct from these channels or from tanks supplied by the channels. The question of charging the Local Fund Unions or Boards of such villages for the water thus taken was raised by the Executive Engineer, Madura Division, in the years 1900 and 1906, but either in view of the fact that the water taken was used only for domestic purposes or because the Periyár channels had intercepted the natural supply which formerly used to drain into the village tanks, the then Superintending Engineers Colonel Boddy and Mr. C. A. Smith considered that no case had been made out for the levy of a charge for water.

2. In January last, the Executive Engineer submitted two estimates for fixing pipe sluices in the banks of the XII. Branch channel, Periyár, to supply water to two Uranis or ponds in the village of Mélúr and stated that the estimates had been prepared and submitted at the instance of the village Union Panchayat who had agreed to bear the cost of the sluices. Mr. Pears considered that, although there was no objection to the free supply of water taken directly from the channels, the proposal to take water free of charge for storage in tanks involved not only the possibility of a waste of water by means of evaporation and absorption and a surreptitious use of water for irrigation but raised a general principle which, if admitted, would serve as a precedent for municipalities and other local bodies at present obtaining their water-supply from Government sources on payment, claiming a free supply. He accordingly wrote to the President, District Board, Madura, and enquired if the Union or the Local Fund Board concerned was prepared to pay a fixed charge for water, calculated with reference to the section of the ventway of the sluice supplying the village. The President replied that each case would have to be decided on its merits and that, where a supply was required for a drinking-water tank, pure and simple, of the modest size required for unions and villages, no charge need be made for the comparatively trifling quantity of water likely to be taken. At the same time he observed that, in cases in which the tanks were used not merely for domestic purposes, but also for irrigation a charge should be made. It has been ascertained that the population of the two hamlets of Mélúr for which it is now proposed to store Periyár water in tanks is about 3,100 according to the last census.

3. As the supply of Periyár water to these two tanks involves a question of principle, I have the honour to request that you will be so good as to obtain the orders of Government in regard to the supply of water, free or otherwise, in the present and similar cases. My own opinion is that no charge should be made for water taken for purely domestic purposes from Government irrigation works except in the case of large municipalities provided with regular water-supply systems.

Order—No. 495 I., dated 15th November 1907.

The Government do not consider it necessary to lay down any general rule to the effect that no charge should be made for water taken from Government irrigation works for domestic purposes in any town or village, but direct that each case should be decided on its merits.

2. In the case of the two tanks under reference in the Mélúr taluk, which it is now proposed to supply with Periyár water for domestic purposes, no charge will be levied.

(True Extract.)

H. E. CLERK,
Ag. Joint Secy. to Govt., P.W.D.,
Irrigation Branch.

To the Chief Engineer for Irrigation.
,, Superintending Engineer, VI Circle.
,, Examiner, Public Works Accounts.
,, Board of Revenue (Revenue Settlement).
,, Revenue Department.
,, Local and Municipal Department, with copies of notes.

Forwarded to the

(By order.)

Registrar.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

NOTES CONNECTED WITH G.O., No. 495 I., DATED 15TH NOVEMBER 1907.

[SUBJECT.—*Storing of water of the Periyár channels for domestic purposes.*]

From the Superintending Engineer, VI Circle, dated 14*th September* 1907, *No.* 506-*C.E.*

It is usual to supply the Kistna village drinking-water tanks just before the closure. I think there are papers about this.

T. W. S. SMYTH.
17-9-07.

Under Secretary—

No papers are traceable in this office on the subject. It will, however, be observed from paragraph 6 of Mr. Atkinson's note, dated 25th August 1904, on page 2 of notes connected with G.O., No. 984 I., dated 7th September 1904, that drinking-water tanks in most of the Delta villages are filled in by the canal water.

P. SAMI RAO PILLAI.
3-10-07.

M. S. VENKATA RAMA AIYAR.
3-10-07.

MAHOMED ABDULLA SAHIB.

Joint Secretary—

It may be laid down that, as a general rule, water will be supplied free to villages for domestic purposes, but not to duly constituted Municipalities.

The village officers are, it is believed, responsible that no unauthorised use is made of water from drinking-water tanks.

T.W.S.S.
7-10-07.

When the supply is required for *boná fide* domestic purposes there is no question that it should be granted free of charge whenever possible. It appears likely, however, that some of the small tanks are used for both drinking water and irrigation, in which case water supplied for one purpose would almost certainly be used for another and I do not think the village officers would have the power even if they had the will to stop it.

Apart from this difficulty I consider that an order on the lines suggested by the Under Secretary (Irrigation) above will meet the case.

Another point which comes in here is the cost of the sluices to supply the ponds alluded to by the Superintending Engineer. Irrigation should provide drinking water gratis, but when special works have to be constructed to deliver it to the villages the cost of those works should be borne by the local bodies concerned.

H. E. CLERK.
8-10-07.

To the Revenue Department
To the Local and Municipal Department } *u.o.* for remarks.

REVENUE DEPARTMENT.

Under Secretary—

Submitted.

2. If the water supplied to a tank is used for irrigation, then if the tank is a Government work, water-rate may clearly be charged.

Section 1 (*a*) of Act VII of 1865.

Even if the tank is not a Government work, the water used for irrigation will apparently be still chargeable under section 1 (*b*) of the Irrigation Cess Act VII of 1865, because Government water "flows into a reservoir and is thereafter used for irrigating" lands under cultivation. In this case, the charge will be leviable only "if in the opinion of the Collector subject to the control of the Board of Revenue and of the Government, such irrigation is beneficial to and sufficient for the requirements of the crop on such land".

Yes. If used for irrigation, but not otherwise.
G. S[TOKES].

3. It will be the duty of the village officers to watch all such cases of irrigation.

G.A.V.
10–10–07.

Under Secretary—

Water taken from Government sources for the domestic and sanitary requirements of a town can, it is submitted, be only charged for under a *specific contract* and not under the Irrigation Cess Act VII of 1865 (Madras). In practice, a charge is levied for the supply of such water to large reservoirs in the Municipal towns, for example, Cocanada, Tuticorin and Chidambaram; and not to tanks in smaller towns and villages. The Revenue subordinates book any irrigation from such tanks just as they do irrigation from other sources; and charge is levied except in the case of backyards irrigated by means of water taken in pots.

Right. A.G.C.
G.S. 11–10–07.

G.O., No. 392 I., dated 23rd April 1900.

Paragraphs 5 and 6 on page 2 of the notes to G.O., No. 984 I., dated 7th September 1904.

Board's Standing Order No. 4, paragraph 2.

2. The capacity of the two Local Fund tanks of Mélúr referred to in the current is not stated; but as water is required for a population of 3,000, the money value thereof may be roughly estimated at Rs. 60 a year, adopting (1) the formula that the water required for the consumption of 1,000 people in a year will irrigate 4 acres and (2) a water-rate of Rs. 5 an acre.

"Indian Storage Reservoirs" by Strange, paragraph 226, page 243.

3. Submitted that Periyár water may be supplied to the Local Fund tanks free of charge; such concessions appear to be necessary for the development of irrigation.

4. The cost of any special works necessary to conduct the water to the village will have to be borne by the Local Boards or the village community.

S.S.
10–10–07.

Secretary—

No charge need be made for water stored for domestic purposes in small unions and tanks in unions and small villages.

D. T. CHADWICK,
11–10–07.

I agree; but is it necessary to lay down a general ruling? Of course any land irrigated from an urani supplied with Periyár water will pay Periyár water-rate (unless registered as wet). Water not used for irrigation, *i.e.*, used for drinking purposes by men and animals would not be ordinarily charged, and probably the cost of sluices would be trifling.

A. G. Cardew.
11-10-07.

To the Local and Municipal Department u.o.

Local and Municipal Department.

Under section 95 (iii) of the Madras Local Boards Act, 1884, it is the duty of every Local Board to provide, as far as the funds at its disposal may admit, among others, for the construction, maintenance and repair of water works, tanks and wells and the cleansing of tanks and wells.

2. Local Boards may, therefore, be charged legitimately for Government water stored under supply from canals for domestic purposes in uranis and tanks and for the construction of sluices to supply water to such uranis and tanks. It is submitted, however, that this department may agree with the views of the Revenue department that no charge need be made by Government in these cases.

N.C.
17-10-07.

P. T. Tharyan.
17-10-07.

The Honourable Member—

I consider that it would be very hard to make a charge for water supplied to petty village tanks for the use of villagers, who probably cultivate the land irrigated by the channels.

Union funds could not afford to pay, and for non-union villages there are no funds other than Local Board funds.

2. The case of large towns with a large non-agricultural population, supplied from Government irrigation sources under an elaborate scheme of water-supply, is different.

The question raised by the Superintending Engineer, if carried to excess, would mean that a Local Board would legitimately be charged for every chatty of water taken by a ryot from an irrigation tank or channel. The Local and Municipal Department may agree that no charge should be made.

H. D. Taylor.
19-10-07.

I think this better go to Hon'ble Mr. Stokes as Revenue Member and though the Secretary presumably speaks for the Honourable Member, it is desirable to have a definitive statement of the views of the Revenue department.

G. S. F[orbes].
20-10-07.

To the Revenue Department u.o.

H.D.T.
20-10-07.

REVENUE DEPARTMENT.

Honourable Member—

The view of the President, District Board, seems correct. The question of irrigation does not arise, because water-rate will be charged on any dry land to which water is taken. The question seems to be simply whether a charge should be made for water supplied for drinking, whether of men or domestic animals. Ordinarily, I submit, no charge should be made for such supply. But there might be cases of large towns not being Municipalities, in which a charge might properly be made. It, therefore, seems inadvisable to lay down a general rule and it may be sufficient to hold that in the case submitted by the Superintending Engineer no charge should be levied.

A.G.C.
22-10-07.

I do not know of any provision of the common law or any statute which authorises a charge for water taken for domestic purposes. Of course Government can refuse to allow water to be taken to the prejudice of irrigation from works under its control and it can make any conditions it thinks necessary for allowing water to be taken for such domestic purposes; but in the absence of agreement no charge can be made. I would myself hold that where water is needed for domestic purposes, *i.e.*, drinking, washing, etc., irrigation should take a back place. Also it is the duty of the local authorities to bear all charges for making the water available for domestic purposes; but in my opinion no charge should be made for water taken for such purposes to any town or village.

G. S[TOKES].
23-10-07.

To the Local and Municipal Department u.o.

A.G.C.
24-10-07.

LOCAL AND MUNICIPAL DEPARTMENT.

Submitted to the Secretary.

N.B.
28-10-07.

P.T.T.
28-10-07.

Honourable Member—

H.D.T.
29-10-07.

I agree generally; but we need not lay down any general dogmatic orders, which are *always* dangerous, and limit orders to this particular case.

G. S. F[ORBES].
31-10-07.

Will the Public Works Department please let the Local and Municipal Department have three printed copies of the notes with the order.

H.D.T.
1-11-07.

To the Public Works Department u.o.

PUBLIC WORKS DEPARTMENT.

Under Secretary—

A draft order is submitted for approval and circulation to His Excellency the Governor.

G.V.
7-11-07.

B. GOPAL RAO.

S. DORAISAMI AIYAR.
9-11-07.

As the Tour Circulation rules have been ordered to be continued until further notice, this may issue under those rules.

S.D.
11-11-07.

T.W.S.S.
11-11-07.

Issue.

H.E.C.
12-11-07.

[Issued as G.O., No. 495 I., dated 15th November 1907.]

Subject Charge for water taken from Govt Irrgn Works for domestic purposes

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

From the Supg. Engineer VI Circle No.506 C.E. dated 14-9-07

Order 495-I 15-11-07

The Government do not consider it necessary to lay down any general rule to the effect that no charge should be made for water taken from Govt. irrigation works for domestic purposes in any town or village, but direct that each case ~~should~~ be decided on its merits.

2. In the case of the two tanks under reference in the Melur taluk which it is now proposed to supply with Periyar water, for domestic purposes no charge will be levied.

Issue

D. I.
11/11/07.

12/11/07

To the Chief Engr. for Irrgn.
" Supg. Engr. VI Circle.
" Examiner P.W. Accts.
" Board of Rev. R.S.
" Rev. Dept.
" L & M Dept with copies of Notes

DESPATCHED
5-DEC 1907

Ordinary Press
Print Notes
notes despd. to L&M on 13.12.07

11/07

4/Sd
1-4
Sto. 1-11
Indes
16